

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Welfare Reform Act 2012, SCHEDULE 5 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

Section 35

UNIVERSAL CREDIT AND OTHER WORKING-AGE BENEFITS

General

- 1 (1) In this Schedule “relevant benefit“ means—
- (a) jobseeker's allowance, or
 - (b) employment and support allowance.
- (2) In this Schedule “work-related requirement“ means—
- (a) a work-related requirement within the meaning of this Part,
 - (b) a work-related requirement within the meaning of the Jobseekers Act 1995, or
 - (c) a work-related requirement within the meaning of Part 1 of the Welfare Reform Act 2007.
- (3) In this Schedule “sanction” means a reduction of benefit under—
- (a) section 26 or 27,
 - (b) section 6J or 6K of the Jobseekers Act 1995, or
 - (c) section 11J of the Welfare Reform Act 2007.

Commencement Information

II Sch. 5 para. 1 in force at 29.4.2013 by S.I. 2013/983, art. 3(1)(c)

Dual entitlement

- 2 (1) Regulations may make provision as to the amount payable by way of a relevant benefit where a person is entitled to that benefit and universal credit.
- (2) Regulations under sub-paragraph (1) may in particular provide for no amount to be payable by way of a relevant benefit.
- (3) Regulations may, where a person is entitled to a relevant benefit and universal credit—
- (a) make provision as to the application of work-related requirements;
 - (b) make provision as to the application of sanctions.
- (4) Provision under sub-paragraph (3)(a) includes in particular—
- (a) provision securing that compliance with a work-related requirement for a relevant benefit is to be treated as compliance with a work-related requirement for universal credit;

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- (b) provision disapplying any requirement on the Secretary of State to impose, or a person to comply with, a work-related requirement for a relevant benefit or universal credit.
- (5) Provision under sub-paragraph (3)(b) includes in particular—
- (a) provision for the order in which sanctions are to be applied to awards of relevant benefit and universal credit;
 - (b) provision to secure that the application of a sanction to an award of a relevant benefit does not result in an increase of the amount of an award of universal credit.

Commencement Information

I2 Sch. 5 para. 2 in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 41

Movement between working-age benefits

- 3 Regulations may provide—
- (a) in a case where a person ceases to be entitled to universal credit and becomes entitled to a relevant benefit, for a sanction relating to the award of universal credit to be applied to the award of the relevant benefit;
 - (b) in a case where a person ceases to be entitled to a relevant benefit and becomes entitled to universal credit, for a sanction relating to the award of the relevant benefit to be applied to the award of universal credit;
 - (c) in a case where a person ceases to be entitled to one relevant benefit and becomes entitled to the other, for a sanction relating to the award of the former to apply to the award of the latter.

Commencement Information

I3 Sch. 5 para. 3 in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 41

PROSPECTIVE

Hardship payments

- 4 Regulations under section 28 (hardship payments) may be made in relation to a person whose award of universal credit is reduced by virtue of regulations under paragraph 2(3)(b) or 3(b) as in relation to a person whose award is reduced under section 26 or 27.

PROSPECTIVE

Earnings tapers

- 5 In section 4 of the Jobseekers Act 1995 (amount payable by way of a jobseeker's allowance), in subsection (1)(b)—
- (a) after “making” there is inserted—

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- “(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and
(ii)”;
- (b) “earnings,”(before “pension payments“) is repealed.
- 6 (1) Section 2 of the Welfare Reform Act 2007 (amount of contributory allowance) is amended as follows.
- (2) In subsection (1)(c), after “making” there is inserted—
“(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and
(ii)”.
- (3) At the end there is inserted—
“(6) In subsection (1)(c)(i) the reference to earnings is to be construed in accordance with sections 3, 4 and 112 of the Social Security Contributions and Benefits Act 1992.”

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2013/1511 by [S.I. 2017/57 art. 51314Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2016/596 art. 4-6Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2657 by [S.I. 2017/57 art. 1315Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/2846 by [S.I. 2016/596 art. 347Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2018/138 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/10 reg. 3\(1\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983 by [S.I. 2019/167 art. 5\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2013/983, art. 5A(1), 6(1) by [S.I. 2017/483 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/1583 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2016/596 art. 348Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/209 by [S.I. 2017/57 art. 1016Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/596 art. 59Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2016/963 art. 37813Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/584 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2014/2321 by [S.I. 2017/664 art. 5Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/596 art. 3-510Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2016/963 art. 46-1214Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/57 art. 3-9111217Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/101 by [S.I. 2017/664 art. 3-57-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/596 art. 3411Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2016/963 art. 3-1215Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/57 art. 3-7912Sch.](#)

- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/584 art. 346-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/1537 by [S.I. 2017/664 art. 3-9Sch.](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/10 reg. 3\(2\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/167 art. 5\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/33, art. 6(11) by [S.I. 2017/483 art. 3](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2018/138 art. 6](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/10 reg. 3\(3\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/167 art. 5\(4\)](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634 by [S.I. 2019/37 art. 5](#)
- specified provision(s) amendment to earlier commencing S.I. 2015/634, art. 7(2) by [S.I. 2017/376 reg. 4](#)
- specified provision(s) amendment to earlier commencing S.I. 2016/596 by [S.I. 2016/963 art. 17](#)
- specified provision(s) amendment to earlier commencing S.I. 2019/37 by [S.I. 2019/935 art. 2](#)
- specified provision(s) modification of earlier commencing S.I. 2014/1583 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2014/2321 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/101 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/1537 by [S.I. 2018/532 art. 3Sch.](#)
- specified provision(s) modification of earlier commencing S.I. 2015/634 by [S.I. 2018/532 art. 5](#)